

January-May 2003

## New Laws Affect BAR and the Smog Check Program

Jim Allen, BAR Legislative & Regulatory Analyst

Following is a brief description of legislative measures that were enacted last year that impact the Bureau of Automotive Repair (BAR) and its operations. These measures, unless otherwise indicated, took effect on January 1, 2003.

### SB 1578 (Johannessen, Chapter 693)

This new law allows currently registered specially constructed vehicles to apply to the Department of Motor Vehicles (DMV) for a special year-model designation. The old law only permitted this special designation to new specially constructed vehicles that were making initial (first time) application with DMV for registration. As long as the annual total does not exceed 500, now both currently registered or newly built specially constructed vehicles can apply for the specified year-model designation.

The new law also provides the following:

- ❖ First, once the registration limit of 500 specially constructed vehicles has been reached for a specific year, DMV will be required to assign the current model-year to any additional specially constructed vehicles applying for initial registration that same year.

- ❖ Second, it allows an owner, upon registration *renewal* of a specially constructed vehicle, to apply for, and receive, from DMV a "reassignment" of the vehicle's model year. However, DMV will be required to deny any model-year reassignment applications, once the 500-registration limit has been reached for a specific year.

- ❖ In either case, the vehicle owner could apply again to reassign the vehicle's model-year upon registration renewal in the next calendar year.

**AB 269 (Correa, Chapter 107)** – This measure adds language to the laws governing the Department of Consumer Affairs and its boards, commissions, and bureaus to require protection of the public be made the highest priority of those entities. Specifically, as it relates to BAR and enforcement of the Automotive Repair Act, including the Smog Check program, Section 9880.3 has been added to the Business and professions Code and provides the following:

*"§ 9880.3. Protection of the public shall be the highest priority for the Bureau of Automotive Repair in exercis-*

**New Laws (continued 2)**

## Tijuana, Mexico Gears Up for a New Vehicle Emissions Program

On March 21, 2003, a group of 10 technicians from the City of Tijuana, Baja California, Mexico completed a one-week emissions inspection workshop to learn how to operate emissions equipment and diagnose and repair vehicles. The training program was sponsored by the Bureau of Automotive Repair (BAR) and the Air Resources Board (ARB) in accordance with the 2001 Agreement between the State of Baja California, Mexico and California, to implement a Vehicle Emissions Inspection Program for the City of Tijuana.

**Tijuana (continued 2)**



Wayne Brumett, BAR Air Quality Engineer, who served as the instructor, discusses automotive repair with Tijuana student technicians Cynthia Lara and Francisco Ramirez-Barba. Both students completed BAR's extensive one-week emissions and inspection training course in March.

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## New Laws (continued)

*ing its licensing, regulatory, and disciplinary functions. Whenever protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."*

### AB 1493 (Pavley, Chapter 200)

This measure requires that the California Air Resources Board (CARB), by January 1, 2005, adopt regulations to achieve the maximum feasible and cost-effective reduction of greenhouse gas pollution from new passenger vehicles. These regulations shall take effect after January 1, 2006, and will be applicable to 2009 and later model-year vehicles. This measure specifies that, to achieve these reductions, the following shall not be a part of the regulations:

- ❖ banning the sale of any vehicle category in the state, including SUVs and minivans
- ❖ imposing additional fees and taxes on motor vehicles, fuel, or vehicle miles traveled
- ❖ reducing vehicle weight
- ❖ placing limitations or reductions on speed limits; or
- ❖ limiting vehicle miles traveled

### AB 2303 (Runner, Chapter 127)

This new law eliminates the requirement to obtain a certificate of compliance for a transfer of title when the application is submitted within the 90-day validity period of a smog certificate that was issued during a registration renewal transaction, as specified in Section 44015 of the Health and Safety Code. This measure overwrites previous language in Vehicle Code Section 4000.1 that permitted a transfer of ownership without a certificate of compliance, provided the transfer took place within 60 days of a registration renewal due date for which a certificate of compliance had already been issued.

### AB 2973 (Assembly Committee on Business and Professions, Chapter 405)

This new law includes a provision to extend from one (1) year to two (2) years the term during which a certificate of completion for a Smog Check technician training or retraining course is valid.

Please share this information with your staff and customers. If you would like to obtain copies of the above measures, you may do so at [www.leginfo.ca.gov](http://www.leginfo.ca.gov), or by contacting the author's office.

## Tijuana (continued)

The technicians, who were awarded with certificates of completion from BAR Chief Patrick Dorais, now hope they can apply the skills they learned from BAR and ARB to help test and repair Tijuana city-owned fleet of cars and trucks. The proliferation of daily and commercial traffic between the City of Tijuana and San Diego, as well as other border cities, has significantly increased air pollution along the entire Mexican border. Dorais commended the technicians for their commitment to completing the comprehensive training program and their dedication to working with BAR and ARB to help clean the air along the Mexico and California border.

The technicians indicated that hands-on emissions training, like the training provided by BAR, is not readily available in the City of Tijuana. The students expressed their appreciation and believe that the training will be an immediate asset. Twenty-year-old Cynthia Lara, who participated in the training and has been studying automobile mechanics, wants to become the first woman in Tijuana to own her own repair shop. Francisco Ramirez-Barba, 17, says he plans to work at his father's small auto repair facility in Tijuana and will be able to use the skills he learned during the training.

"The BAR training program has helped put the City's implementation plans on the fast track," says Paola Navarro, Tijuana's Assistant Director of International Relations. "We appreciate all the efforts BAR and the ARB have put into getting us this far. These two agencies have assisted us in building the foundation for our program and this last effort will put us a step closer to meeting our goal. We believe we can have the program up and running for City-owned vehicles by the end of summer."

Still, Navarro, who completed an introductory version of the BAR training program in April 2002, says the biggest challenge she and other Tijuana representatives face is reaching out to communities that may be reluctant to conform to the City's new automotive regulations.

"We know we have our work cut out for us," says Navarro. "However, Mayor Gonzalez-Reyes is totally committed to making this program a reality. We plan to launch an all-out public relations campaign this summer to inform residents about the overall health risks of air pollution and the importance of proper vehicle maintenance. This is an exciting opportunity for Tijuana. We want to be good neighbors and we know that smog does not recognize borders."

# BAR Implements Change to Smog Check Technician License Renewal

Beginning with licenses that expire on January 31, 2003, BAR changed the procedure for renewing a Smog Check technician license.

To renew a Smog Check technician license, the technician must complete and pass the current update course, entitled *BAR 2003 Update Course*. The class is scheduled for eight hours, which includes four hours of lecture and discussion and up to four hours to complete an open-book exam. Most technicians complete the exam in two hours or less.

BAR will mail a renewal notice and packet of materials to study before attending the mandatory class approximately two to three months before a current technician license is due to expire. The materials include the Smog Check Inspection Manual (Revision 6), and the most recent version of BAR's Laws & Regulations. The books may be taken to class and used to record notes and answers to any questions regarding the materials.

Technicians who pass the class may submit a license renewal application to BAR. A license renewal application will only be approved for technicians who have completed

BAR alternative courses for Electrical, Engine Performance, and Advanced Engine Performance, in the last five years, or who possess current ASE certifications in categories A6, A8, and L1.

License renewal applications are reviewed for enforcement and family support holds. Applicants will be notified if any holds on their current license exist and advised of the necessary action to continue the license renewal process.

An applicant who completes the process is assigned a new license expiration date and will receive a new license packet approximately two weeks after the process is complete. Licensees who have already submitted an application to renew a Smog Check Technician license, may check to see if a new expiration date has been assigned by checking the Smog Check database, available through the emission inspection system, or on the Smog Check website at [www.smogcheck.ca.gov](http://www.smogcheck.ca.gov). Once an application has been accepted and processed, a temporarily extended expiration date is assigned and will show in the database until a new license is printed and mailed. The Smog Check Technician may continue to perform smog check inspections during this exemption period.

## The Bottom Line

The Advanced and the Basic Smog Check Technician licensing exams may have the same cut score and number of scored items. However, the class of licenses and exams are totally different from each other. Future examinations may not always reflect the same passing score or number of scored items.

### Technician Data

|        |  |
|--------|--|
| 92     | Passing score on the Advanced EA exam          |
| 92     | Passing score on the Advanced EB exam          |
| 125    | Number of scored items on the Advanced EA exam |
| 125    | Number of scored items on the Advanced EB exam |
| 10,430 | Total statewide Advanced (EA) Technicians      |
| 3,035  | Total statewide Basic (EB) Technicians         |

### 2002 Smog Check Technician Exam Results

| License Class | #Tested | #Pass | %Passed |
|---------------|---------|-------|---------|
| EA            | 6,766   | 5,038 | 78.45%  |
| EB            | 1,572   | 1,370 | 87.15%  |

### Station Data

|       |   |
|-------|---|
| 6,173 | Test and Repair Station                                 |
| 369   | Active Gold Shield/Consumer Assistance Repair Stations. |
| 996   | Test Only Stations.                                     |

## CITATIONS

| NAME                        | ADDRESS                        | CITY           | ZIP   | LEVEL | ARD<br>NUMBER | CITATION<br>NUMBER | ASSESS<br>AMOUNT |
|-----------------------------|--------------------------------|----------------|-------|-------|---------------|--------------------|------------------|
| Quality Automotive          | 1668 Sawtelle Bl               | W.Los Angeles  | 90025 | 1     | AG133781      | C-02-331           | \$250            |
| Auto Saver                  | 2601 35 <sup>th</sup> Ave. #A  | Oakland        | 94619 | 3     | AD183318      | C-02-420           | \$1500           |
| Quality Automotive          | 1668 Sawtelle Bl.              | W. Los Angeles | 90025 | 2     | AG133781      | C-02-521           | \$1000           |
| Smog Test Only Center       | 13052 #A Century Bl.           | Garden Grove   | 92843 | 2     | AB209495      | C-03-274           | \$1000           |
| Amar Smog & Tune            | 13825 E. Amar Rd.              | La Puente      | 91746 | 1     | AD199223      | C-03-305           | \$500            |
| High Street Automotive      | 441 High St.                   | Oakland        | 94601 | 1     | AJ168595      | C-03-331           | \$500            |
| Chevron Car Care            | 5101 Clayton Rd.               | Concord        | 94521 | 1     | AA214522      | C-03-361           | \$500            |
| Alondra Auto Care           | 8055 Alondra Bl.               | Paraount       | 90723 | 1     | AA214748      | C-03-365           | \$500            |
| Altadena Chevron            | 907 E. Altadena Dr.            | Altadena       | 91001 | 1     | AH141674      | C-03-367           | \$1000           |
| California Test Only        | 7304 Indiana Ave #9            | Riverside      | 92504 | 1     | AL213875      | C-03-385           | \$500            |
| Sierra Smog and Auto        | 402 Grass Valley Hwy.          | Auburn         | 95603 | 1     | AM214093      | C-03-387           | \$500            |
| Placerville Shell           | 151 Main St.                   | Placerville    | 95667 | 1     | AE216149      | C-03-397           | \$500            |
| Kins Exxon                  | 600 N. Garfield Ave.           | Alhambra       | 91801 | 2     | AA220002      | C-03-399           | \$1000           |
| Smog Test Center            | 1010 Obispo Ave. B             | Long Beach     | 90804 | 2     | AF205633      | C-03-401           | \$1000           |
| Live Oak Test Only #1       | 4126 Live Oak Ave.             | Arcadia        | 91006 | 2     | AF216760      | C-03-403           | \$1000           |
| Smog Experts Test Only      | 645 E. 219 <sup>th</sup> St. U | Carson         | 90745 | 1     | AD215817      | C-03-407           | \$500            |
| Valley Smog Test Only Cntr. | 2180 First St. C9              | Simi Valley    | 93065 | 1     | AG205993      | C-03-419           | \$500            |
| Great Bear Auto Center      | 19751 Beach Bl.                | Huntington     | 92648 | 1     | AB108129      | C-03-428           | \$500            |
| Fraustas Smog Check & Auto  | 8429 S. Figueroa St.           | Los Angeles    | 90003 | 1     | AG217006      | C-03-430           | \$500            |
| Hemet Test Only             | 1200 Florida Ave. #G           | Hemet          | 92543 | 1     | AJ207202      | C-03-435           | \$500            |
| Bills Fast Lube & Smog      | 305 High St.                   | Delano         | 93215 | 1     | AF118270      | C-03-441           | \$500            |
| Aquarios Smog Test Only     | 7300 S.Central Ave.            | Los Angeles    | 90001 | 1     | AF216934      | C-03-449           | \$500            |
| ENJ Smog                    | 1900 W.Washington Bl.          | Los Angeles    | 90018 | 1     | AB209371      | C-03-453           | \$500            |
| White Automotive            | 250 E. Whittier Bl.            | La Habra       | 90631 | 1     | AD017544      | C-03-456           | \$500            |
| Montebello Test Only        | 111 E. Whittier Bl.            | Montebello     | 90640 | 2     | AK201969      | C-03-458           | \$500            |
| Smog World                  | 3951 Alamo St.                 | Riverside      | 92501 | 1     | AA203285      | C-03-460           | \$500            |
| Orinda Shell Auto Care      | 9 Orinda Way                   | Orinda         | 94563 | 1     | AL207990      | C-03-496           | \$500            |
| Smog Check Test Only Cntr.  | 755 W. Rialto Ave.             | Rialto         | 92376 | 1     | AF211148      | C-03-502           | \$500            |
| Waterford Auto Service      | 12501 Yosemite Bl.             | Waterford      | 95386 | 1     | AF216893      | C-03-504           | \$500            |
| Immanuel Auto               | 817 E. Holt Bl.                | Ontario        | 91764 | 1     | AC198678      | C-03-508           | \$1000           |
| Marin Sports & Imports In.  | 123 Jordan St.                 | San Rafael     | 94901 | 1     | AM192161      | C-03-516           | \$500            |
| Price Auto Repair           | 11015 Sherman Way              | Sun Valley     | 91352 | 1     | AE199847      | C-03-522           | \$500            |
| BP Test Center              | 11075 Central Ave.             | Ontario        | 91762 | 2     | AF205666      | C-03-526           | \$500            |
| Bos Imports                 | 28184 Industrial Bl.           | Hayward        | 94545 | 1     | AA187169      | C-03-529           | \$500            |
| Simi Test Only Smog Cntr.   | 1806 E. Los Angeles            | Simi Valley    | 93065 | 2     | AA219937      | C-03-535           | \$1000           |

Period: From 11/01/02 To 11/30/02.

# DISCIPLINARY ACTIONS

## NORTHERN CALIFORNIA

### GEE HUEY, INC. FIFTH STREET GARAGE – Oakland

Diane Gee Huey, President

Stanley Sui Gon Huey, Vice President/Technician

Order: ARD registration is revoked. However, the revocation is stayed and respondent placed on probation for (3) three years. Smog Check Station license and Advanced Emission Specialist Technician license are revoked. Report to BAR.

Pay BAR \$8,610.60.

### TONY LEE – Technician-Alameda

Order: Advanced Emission Specialist Technician license is revoked.

(8-29-02)

### LEE AUTO CENTER – Sacramento

Zjay C. Lee, Owner

Order: ARD registration and Smog Check Station license are revoked, stayed and placed on probation for (3) three years. Smog Check Station license is suspended for (45) forty-five days. Report to BAR. Pay BAR \$7,167.00.

(8-27-02)

### THE AUTO SHOP – Redding

Michael Mirl Edwards, Partner

Richard Lee McDonald, Partner

Order: ARD is permanently invalidated.

(8-6-02)

### LOYAL MOTORS CORPORATION – San Francisco

David Royce Le, President

Order: ARD registration and Smog Check Station license are revoked, stayed and placed on probation (3) three years. Smog Check Station license suspended for (15) fifteen days. Report to BAR. David Royce Le and Harry Chan are jointly responsible to pay BAR \$1,481.35.

HARRY CHAN, Technician

Order: Basic Area technician license is revoked stayed (3)

three years probation and suspended (15) fifteen days. Report to BAR. Harry Chan and David Royce LE are jointly responsible to pay BAR \$1,481.35.

(8-27-02)

### MARK ROBERT BATZ – Pismo Beach

Technician

Order: Basic Area Technician license is revoked.

(8-1-02)

### ONE STOP CAR N BOAT SERVICE - Brentwood

John Lawrence Thomas aka John Lawrence Thomas III, Partner /Technician

Loretta Grace Thomas, Partner

Eric Allen Wise, Partner

Order: ARD registration is permanently invalidated stayed and placed on probation for (3) three years. Smog Check Station license is revoked and Gold Shield Guaranteed Repair certificate is terminated. Pay BAR \$8,305.97. Report to BAR.

(8-29-02)

### JOHN LAWRENCE THOMAS, TECHNICIAN – Bethel Island

Order: Basic Area Technician license is revoked.

(8/29/02)

### SELMA SMOG & AUTO REPAIR – Selma

Raymond Arthur Mero, Owner/Technician

Order: ARD registration is revoked, stayed and placed on probation for (3) three years. Basic Area Technician license and Smog Check Station license are revoked, stayed and placed on probation for (5) five years. Smog Check Station and Basic Area Technician license are suspended for (6) six months. Report to BAR. Pay BAR \$3,500.00.

(8/27/02)



## SOUTHERN CALIFORNIA

### ACE CARBURETOR EXCHANGE – Escondido

Robert Hickenbottom, Owner,

Order: ARD registration is revoked, stayed and placed on probation for (3) three years. Report to BAR. Pay BAR \$5,000.00. Pay \$965.36 to victim as restitution.

(8-29-02)

### CERTIFIED SMOG HIGH TECH DIAGNOSTICS – Escondido

Leonid W. Gralnic, Owner/Technician

Order: ARD registration is revoked, stayed and placed on probation for (3) three years. Smog Check Station and Advanced Emission Specialist Technician licenses are revoked. Report to BAR. Pay BAR \$8,075.62

(8-29-02)

### RANCHO AUTOMOTIVE AND COLLISION – Ontario

Antonio Sierra Avila, Owner/Technician

Order: Smog Check Station license and Advanced Emission Specialist Technician license are revoked. ARD registration is revoked, stayed and placed on probation (3) three years. Report to BAR. Pay BAR \$2,248.85

(8-29-02)

### ROGELIO PEREZ OLMEDO/Technician

Order: Advanced Emissions Specialist Technician license is revoked.

(8-27-02)

### QUICK CHECK SMOG CHECK – La Habra

Lawrence S. Seibold, Owner/Technician

Order: ARD registration, Smog Check Test-Only Station License and Advanced Emission Specialist Technician License are revoked, stayed and placed on probation for (2) two years. Smog Check Test-Only station and Advanced Emission Specialist Technician license shall be suspended for (3) three days. Report to BAR. Pay BAR \$2,460.95.

(8-27-02)

### MADMAN'S MUFFLER & AUTOMOTIVE – Visalia

Patrick Albert Manahan, Partner/Technician

Paul Michael Manahan, Partner (DECEASED)

Order: ARD and Smog Check Station licenses are revoked. Advanced Emission Specialist Technician license is revoked.

### MADMAN'S MUFFLER & AUTOMOTIVE– Visalia

Patrick Albert Manahan/Owner

### INTERESTED PARTY

Order: Application for ARD registration is granted, revoked, stayed with (3) three years probation. Report to BAR.

(8-22-02)

### DANIEL ELLIS SMOOT – El Cajon

Technician

Order: Advanced Emission Specialist Technician license is suspended for (30) thirty days, stayed for (2) two years. Report to BAR. Attend training.

(8/13/02)

### RAMIROS SMOG CENTER – Los Angeles

Ramiro Ochoa/Owner

Order: ARD registration is permanently invalidated. Smog Check Station license is revoked.

(8/1/02)

### J & H AUTOMOTIVE DIAGNOSTICS – Lancaster

Elizabeth Iribarren Reiter

Aka Elizabeth Iribarren Haddad/Owner

Order: ARD registration and Smog Check Station license are revoked.

(8-1-02)

### MED CENTER SMOG & TUNE – San Bernardino

Anwar Khader/Owner

Order: ARD registration and Smog Station license are revoked.

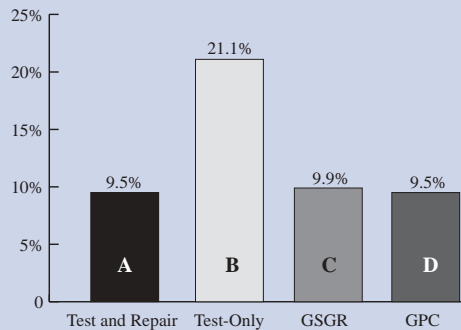
(8/1/02)

# SnapShot

## October-December 2002 Quarterly Data

### Statewide Failure Rates by Station Type

October 1, 2002 to December 31, 2002



### Vehicles Tested

|    |           |
|----|-----------|
| A) | 1,061,476 |
| B) | 755,591   |
| C) | 340,485   |
| D) | 207,558   |

### Vehicles Tested by Program Area

| Program Area             | Number Tested    | Number Failed  | Failure Rate |
|--------------------------|------------------|----------------|--------------|
| Enhanced                 | 1,644,642        | 257,064        | 15.6%        |
| Basic                    | 711,143          | 56,035         | 7.9%         |
| Change of Ownership      | 21,920           | 2,042          | 9.3%         |
| <b>Total<sup>a</sup></b> | <b>2,377,705</b> | <b>315,141</b> | <b>13.3%</b> |

a) Total includes all station types.

### Enhanced Area Failure Rates by Specific Station Type

| Station Type    | Number Tested    | Number Failed  | Failure Rate |
|-----------------|------------------|----------------|--------------|
| Test and Repair | 615,582          | 66,384         | 10.8%        |
| Test-Only       | 741,945          | 157,262        | 21.2%        |
| GSGR            | 202,552          | 21,584         | 10.7%        |
| GPC             | 76,459           | 10,335         | 13.5%        |
| <b>Total</b>    | <b>1,636,538</b> | <b>255,565</b> | <b>15.6%</b> |

### Basic Area Failure Rates by Specific Station Type

| Station Name    | Number Tested  | Number Failed | Failure Rate |
|-----------------|----------------|---------------|--------------|
| Test and Repair | 437,599        | 33,348        | 7.6%         |
| Test-Only       | 13,536         | 1,978         | 14.6%        |
| GSGR            | 134,824        | 11,862        | 8.8%         |
| GPC             | 120,734        | 8,376         | 6.9%         |
| <b>Total</b>    | <b>706,693</b> | <b>55,564</b> | <b>7.9%</b>  |

### Change of Ownership Area Failure Rates by Specific Station Type

| Station Type    | Number Tested | Number Failed | Failure Rate |
|-----------------|---------------|---------------|--------------|
| Test and Repair | 8,295         | 593           | 7.1%         |
| Test-Only       | 110           | 34            | 30.9%        |
| GSGR            | 3,109         | 371           | 11.9%        |
| GPC             | 10,365        | 1,043         | 10.1%        |
| <b>Total</b>    | <b>21,879</b> | <b>2,041</b>  | <b>9.3%</b>  |

### Repair Cost Statistics by Area and Specific Station Type

| Area         | Average Repair Cost       |       |
|--------------|---------------------------|-------|
|              | Statewide <sup>a</sup>    |       |
|              | Enhanced                  | \$148 |
|              | Basic/Change of Ownership | \$131 |
| Station Type | Test and Repair           | \$118 |
|              | GSGR                      | \$131 |
|              | GPC                       | \$171 |

a) Only 267 hardship extensions and 328 waivers granted.

**Bureau of Automotive Repair**  
**10240 Systems Parkway**  
**Sacramento, CA 95827**

***Presorted Standard***  
***U.S. Postage***  
***Paid***  
***Oakland, CA***  
***Permit No. 2101***

#### **BAR FIELD OFFICE PHONE NUMBERS**

Bakersfield ..... (661) 833-6304  
Canoga Park ..... (818) 596-4400  
Culver City ..... (310) 410-0024  
Fresno ..... (559) 445-5015  
Oceanside ..... (760) 439-0942  
Placentia ..... (714) 961-7940  
Richmond ..... (510) 243-9410  
Riverside ..... (909) 782-4250  
Sacramento ..... (916) 255-4200  
San Jose ..... (408) 277-1860  
South El Monte ..... (626) 575-6934

#### **OTHER HELPFUL NUMBERS**

DCA Consumer Information Center ..... (800) 952-5210  
BAR Licensing ..... (916) 255-3145  
ET Help Desk ..... (866) 860-8509  
MCI ..... (800) 731-SMOG  
(Then, press "5" for technical support)  
Referee Scheduling Center ..... (800) 622-7733  
Parts Locator Service ..... (800) 826-3566

#### ***Smog Check Advisory Staff***

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If you have news stories or  
other items you'd like to  
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